THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 13606 OF 2007

Dt: 28th June 2007

Between:

N.Hanumantha Rao & others

…Petitioner

and

The Govt.of A.P., rep. by Principal Secretary,
Department of Fisheries,
Secretariat, Hyderabad & others

…Respondents

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O R D E R:

Petitioners claim to be the members of the Fishermen Cooperative Society, Perurupadu of Guntur District, the 5th respondent. They filed this writ petition, to declare the action of the respondents 1 to 4, in not taking action against the Managing Committee of the society, on the basis of the report dated 25.11.2006, submitted by the 2nd respondent.

The petitioners have referred to certain developments, that have taken place, ever since the present Managing Committee has been elected. It is alleged that serious controversy existed, as to the total membership of the society. A representation is said to have been submitted by the petitioners, under the leadership of one Dudekula Valisaheb to the 1st respondent, narrating the omissions and commissions, on the part of the committee. On the basis of the

representation, the 1st respondent called for the report from the 2nd respondent, and the latter, in turn, submitted the one dated 25.11.2006 pointing out that as many as 6 irregularities have been taken place. The grievance of the petitioner is that the

1st respondent has not taken any steps, so far.

Heard the learned counsel for the petitioner and learned Government Pleader for Fisheries.

The petitioners want the respondents to take action, on the basis of the report, dated 25.11.2006. The dispute between the existing Managing Committee and a group led by Dudekula Valisaheb has given rise to filing of several writ petitions. On the basis of the report, dated 25.11.2006, the 1st respondent passed orders, directing that Identity Cards be issued to 426 members of the society. The 5th respondent challenged the said proceedings in W.P.No.1212 of 2007, dated 20.6.2007. After hearing the learned counsel for the respective parties, this court took the view that the proceedings issued by the 1st respondent do not accord with the provisions of the A.P. Cooperative Societies Act (for short "the Act") and the Rules made thereunder. It was pointed out that inspection, audit or inquiry, or the consequential surcharge orders, must accord with the corresponding provisions of the Act, and the 1st respondent can intervene in the matter, only at the stage of revision. The order passed by it was set aside. For the reasons, that weighed with the court to set aside the proceedings issued by the 1st respondent, on the basis of the report dated 25.11.2006, the relief claimed in this writ petition cannot be granted.

In case, the petitioners intend to get the affairs of the society inquired, they have to take recourse to section 51 of the Act, by filing a

necessary representation, with the required strength, as provided for in that section. The report, dated 25.11.2006, cannot be traced to any provisions of the Act, nor it was preceded by any notice to the affected parties.

For the foregoing reasons, the writ petition is dismissed, leaving it open to the petitioners, to pursue their remedies, under the relevant provisions of the A.P. Cooperative Societies Act and the Rules made thereunder. There shall be no order as to costs.

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28th June 2007

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